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LUC-463/Barclay 12-10-6-9-12-2

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s): Deborah L. Barclay et al.
Case No.: LUC-463/Barclay 12-10-6-9-12-2 Examiner Olumide A. Akonai
Serial No.: 10/768,431 Art Unit: 2617
Filing Date: 1/30/2004
Title: DETERMINATION TO REQUEST MOBILE STATION POSITION
THROUGH EMPLOYMENT OF CALL CHARACTERISTICS

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile transmission to Commissioner for Patents, Mail Stop Amendment, Group Art Unit 2617, Attention: Examiner Olumide A. Akonai, P.O. Box 1450, Alexandria, VA 22313-1450, at fax number (571) 273-8300, on March 23, 2010.



James Milton
Attorney for Applicants
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Date of Signature: March 23, 2010

Commissioner for Patents
Mail Stop Amendment
Group Art Unit 2617
Attention: Examiner Olumide A. Akonai
P.O. Box 1450
Alexandria, VA 22313-1450
Fax Number (571) 273-8300

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants request review of the final rejection of this application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets.

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REMARKS

Claims 1-20 and 22-26 are pending in the application. Claims 1-20 and 22-26 were rejected under 35 U.S.C. § 103 (a).

Rejections Under 35 U.S.C. § 103 (a)**Rejection Under O'Donnell, Weaver, Hsu and Lipsanen**

Claims 1-14, 16-21 and 23-25 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Number 6,266,514 issued to O'Donnell on July 24, 2001 in view of U. S. Patent Number 7,206,573 issued to Weaver on April 17, 2007 and U.S. Patent Number 7,272,387 issued to Hsu et al. on September 18, 2007 and U. S. Patent Number 7,103,345 issued to Lipsanen on September 6, 2006.

Applicants respectfully traverse this ground of rejection for the following reasons.

First, applicants' claim 1 recites,

"a network component that employs a) one or more call characteristics to make a determination to initiate a request to a switch component for one or more positions of one or more mobile stations and b) one or more call parameters to identify one or more cellular network cells associated with the one or more mobile stations, wherein at least one of the one or more call parameters employed to identify one of the one or more cellular network cells is a telephony number of at least one of the one or more mobile stations; and

wherein the network component receives, in response to the request, the one or more positions of the one or more mobile stations from a position component that determines the one or more positions of the one or more mobile stations continuously; and

wherein the switch component assigns a channel to the at least one of the one or more mobile stations for a call upon a comparison of a calling party number with the at least one of the one or more call parameters."

As stated in the Office Action, the Examiner agrees that O'Donnell does not specifically disclose "wherein the network component receives, in response to the request, the one or more positions of the one or more mobile stations from a position component that determines the one or more positions of the one or more mobile

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stations continuously". The Examiner proposes to combine Weaver with O'Donnell to achieve this limitation. However, applicants assert that the proposed combination of O'Donnell and Weaver does not reflect the specific limitations recited in applicants' claim 1 since the resultant system would not be a properly functioning system.

Specifically, the Examiner proposes to use two different types of position components that function differently in order to achieve applicants' claim 1. In particular, the Examiner proposes to use 1) O'Donnell's positioning function 8 and 2) Weaver's position determining equipment (PDE) 34. However, there is no way to combine these two devices so as to form applicants' recited "a position component" because O'Donnell requires the BSC to invoke the positioning function 8 when a quality measure falls below or above a specified threshold to request the identity and geographic location of a mobile's position, as stated in column 6, lines 20-28.

By contrast, Weaver's technique does not limit requests for a mobile's position based on a quality measure that falls below or above a specified threshold. Instead, after a base station determines that a dropped call has occurred, the base station may cause PDE 34 to determine the call drop location, as stated in column 7, lines 40-47. In effect, Weaver's trigger for determining a mobile's position is a request after a dropped call has occurred rather than based on a quality measure that falls below or above a specified threshold as required by O'Donnell. Since Weaver's PDE 34 functions in a manner differently than O'Donnell's positioning function 8 and the resultant system would not be a properly functioning system, the proposed combination is improper.

Second, applicants disagree with the Examiner's assertion that Weaver discloses applicants' claim 1 limitation that recites "determines the one or more positions of the one or more mobile stations continuously". This is because Weaver determines the position of the mobile station only upon a request from a base station after the base station determines that a dropped call has occurred. After determining the position, PDE 34 returns the position reply to MPC 32, which returns the position reply to MSC 28 which forwards the position reply to base station 36. See column 8, lines 28-35. Weaver does not disclose determining the position of the mobile station continuously. Thus, Weaver is missing the "continuously" element, as recited in applicants' claim 1.

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Third, the Examiner proposes to combine Lipsanen with O'Donnell as modified by Weaver and Hsu. However, applicants assert that the proposed combination of O'Donnell as modified by Weaver and Hsu with Lipsanen does not reflect the specific limitations recited in applicants' claim 1 since the resultant system would not be a properly functioning system. Specifically, the Final Office Action states that Hsu teaches a network component, i.e., cellular network cell, and the use of a **telephony number**, i.e., the **MSISDN of a mobile station, as a specific call parameter**, i.e., "at least one of the one or more call parameters", to identify one or more cellular network cells associated with the one or more mobile stations.

By contrast, Lipsanen does not teach the use of a telephony number, i.e., the **MSISDN of a mobile station, as a specific call parameter** as done in Hsu. Instead, the Examiner asserts "assigning a channel communication for a call between mobile terminal 4 and a fixed telephone 5, wherein the MSC searches a database to verify the A-number before assigning a channel for communication between the mobile telephone 4 and fixed telephone 5" as a specific call parameter. However, the system resulting from the proposed combination of O'Donnell as modified by Weaver and Hsu with Lipsanen would not be a properly functioning system, because "assigning a channel communication for a call between mobile terminal 4 and a fixed telephone 5, wherein the MSC searches a database to verify the A-number before assigning a channel for communication between the mobile telephone 4 and fixed telephone 5" as done in Lipsanen cannot be used as a call parameter to "identify one or more cellular network cells associated with the one or more mobile stations" as done in Hsu. Thus, the proposed combination of Lipsanen with O'Donnell as modified by O'Donnell, Weaver and Hsu is improper.

Therefore the proposed combination of O'Donnell as modified by Weaver, Hsu and Lipsanen does not teach or suggest all of the limitations in applicants' claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 2-14, 16-17 and 22-26 depend from allowable claim 1, these claims are also allowable.

Independent claim 18 has limitations similar to that of independent claim 1, which was shown is not taught by the proposed combination. For example, claim 18 recites, "determining the one or more positions of the one or more mobile stations continuously"

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and "wherein a switch component assigns a channel to the at least one of the one or more mobile stations for a call upon a comparison of a calling party number with the at least one of the one or more call parameters". The proposed combination does not teach or suggest these limitations for the above-mentioned reasons. Therefore, claim 18 is likewise allowable over the proposed combination. Since claims 19-20 depend from claim 18, these dependent claims are also allowable.

Rejections Under O'Donnell, Weaver, Hsu, Lipsanen, Jeong, Alperovich and Powers

Claims 15, 22 and 26 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over O'Donnell in view of Weaver, Hsu, and Lipsanen, and further in view of various references.

Applicants respectfully traverse these grounds of rejection.

These rejections are based on the rejection under O'Donnell, Weaver, Hsu and Lipsanen being proper. As that ground of rejection has been overcome, and none of the cited references teach or suggest "determining the one or more positions of the one or more mobile stations continuously" and "wherein a switch component assigns a channel to the at least one of the one or more mobile stations for a call upon a comparison of a calling party number with the at least one of the one or more call parameters", as recited in applicants' independent claims 1 and 18, the proposed combinations of O'Donnell, Weaver, Hsu, Lipsanen, Jeong and Alperovich does not supply this missing element. Thus, these combinations do not make obvious any of applicants' claims, all of which require the aforesaid limitation.

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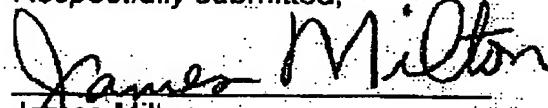
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Conclusion

In view of the above remarks, withdrawal of the rejections and/or reversal of the rejections of all claims pending is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of this application, feel free to call applicants' attorney.

Respectfully submitted,



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Dated: March 23, 2010

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